

**ORIGINAL***KATZ, NYJ.*UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----  
JAMES SCARBOUGH, CHRISTINE  
SCARBOUGH,-----  
**ECF CASE****STIPULATION AND PROPOSED  
ORDER OF PARTIAL DISMISSAL**

07 Civ. 6695 (HB) (THK)

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
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<b>DATE FILED:</b> <u>2/14/08</u>

UNITED STATES OF AMERICA,  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES, GABRIEL ZATLIN, MD, THE  
INSTITUTE FOR URBAN FAMILY HEALTH  
INC. and SIDNEY HILLMAN FAMILY  
PRACTICE,-----  
Defendants.-----  
X

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs James  
 Scarbough and Christine Scarbough and Defendants United States of America, Department of  
 Health and Human Services, Gabriel Zatlin, M.D., The Institute for Urban Family Health Inc.,  
 and Sidney Hillman Family Practice, by their respective counsel, as follows:

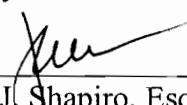
1. Pursuant to 28 U.S.C. § 2679(b)(1) and Federal Rule of Civil Procedure 41(a)(2),  
 Plaintiff's claims against the Department of Health and Human Services, Gabriel Zatlin, M.D.,  
 The Institute for Urban Family Health, Inc., and Sidney Hillman Family Practice are dismissed  
 with prejudice and without costs or attorneys' fees to any party;

2. All future pleadings and papers filed in this action shall reflect the following amended caption: "James Scarbough and Christine Scarbough, Plaintiffs, v. United States of America, Defendant."

Dated: New York, New York  
November   , 2007  
February 7, 2008

HERMAN M. GOLDBERG &  
ASSOCIATES  
Attorney for Plaintiffs

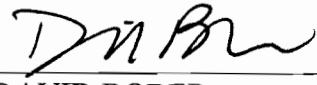
By:

  
Jeffrey J. Shapiro, Esq.  
18 East 41<sup>st</sup> Street, Suite 1500  
New York, NY 10017  
(212) 684-4878

Dated: New York, New York  
November 26, 2007

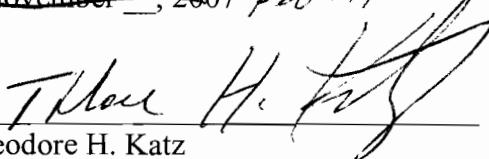
MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York

By:

  
DAVID BOBER  
Assistant United States Attorney  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, NY 10007  
(212) 637-2718

SO ORDERED.

Dated: New York, New York  
November   , 2007 *Feb 14, 2008*

  
Hon. Theodore H. Katz  
United States Magistrate Judge